vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2126 OF 1999

The Pune Cantonement Board & Anr. ... Petitioners

V/s.

The Regional Labour Commissioner & Anr. ... Respondents

Mr.V.G. Mujumdar for Petitioners
Mr.Neel Helekar i/b S.M. Dharap for Respondent Nos.2 to 7 & 9

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **JULY 13, 2007**

P.C.:

. The issue which arises in this writ petition is whether the Payment of Gratuity Act, 1972 is applicable to the Pune Cantonment Board and whether it is bound to pay gratuity under that Act.

2. In view of the order of this Court in Writ Petition No.518 of 1994, the petition must be dismissed. However, Respondent No.7 is a teacher employed in the school run by the Petitioner. In view of the decision of the Supreme Court in the case of *Ahmedabad (P) Primary Teachers' Association v/s. Administrative Officer,* **2004 I CLR 495,** Respondent No.7 is not an employee under section 2(3) of the Payment of Gratuity Act and hence, no gratuity is payable to her under that Act.

3. With the aforesaid modification that Respondent No.7 is not entitled to the gratuity awarded by the Controlling authority and the Appellate Authority, the Petition is dismissed.